

Mayerson & Hartheimer, PLLC.

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Counsel for Debtor and Debtor in Possession

In re:

BERNSOHN & FETNER LLC,

Debtor.

Chapter 11

Case No. 17-23707 (RDD)

**MONTHLY FEE STATEMENT OF
MAYERSON & HARTHEIMER, PLLC, AS COUNSEL FOR
THE DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD
FROM APRIL 1, 2018 THROUGH AND INCLUDING APRIL 30, 2018**

Pursuant to section 327, 330 and 331 of chapter 11 of title 11 of the United States Code, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York, *the Order Authorizing the Retention of Mayerson & Hartheimer, PLLC as Bankruptcy Counsel to Debtor Effective to the Petition Date*, dated January 18, 2018 [Docket No. 36], and *the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals*, dated January 17, 2018 [Docket No. 35], (the “Interim Compensation Order”), Mayerson & Hartheimer, PLLC (“M&H”), counsel for the above-captioned debtor and debtor in possession (the “Debtor”) hereby submits this *Monthly Fee Statement of Mayerson & Hartheimer, PLLC as Counsel to the Debtor and Debtor-in-*

Possession for the Period from March 1, 2018 Through and Including March 31, 2018 (this “Fee Statement”) seeking compensation for 80% of its legal fees and reimbursement of its expenses for such Fee Period.¹ Specifically, M&H seeks (i) interim allowance of \$21,550.00 for the reasonable and necessary legal services that M&H rendered to the Debtor during the Fee Period; (ii) compensation in the amount of \$17,240, which is 80% of the total amount of compensation sought for actual and necessary legal services rendered during the Fee Period (*i.e.* \$21,550.00), and (iii) the allowance and payment of \$332.02 for the actual and necessary expenses that M&H incurred in connection with such services during the Fee Period. M&H represents that Debtor has sufficient funds to pay this amount, and that M&H is holding no retainer to apply against the amounts due.

Itemization of Services Rendered and Disbursement Incurred

1. Attached hereto as **Exhibit A** is a schedule of M&H professionals, including the standard hourly rate for each attorney who rendered services to the Debtor in connection with this chapter 11 case during the Fee Period and the title, hourly rate, aggregate hours worked and the amount of fees earned by each professional.

2. Attached hereto as **Exhibit B** is a schedule for the Fee period setting forth the total amount of payment sought with respect to the expenses for which M&H is seeking payment in this Fee Statement. All of these disbursements comprise the requested sum for M&H’s out-of-pocket expenses, which total \$332.02.

3. Attached hereto as **Exhibit C** are the time records of M&H, which provide a

¹ The period from April 1, 2018, through and including April 30, 2018 is referred to herein as the “Fee Period”.

daily summary of time spent by each M&H professional during the Fee Period.

Notice

4. No trustee or examiner has been appointed in this case. Pursuant to the Interim Compensation Order, notice of this Fee Statement has been served upon: (a) the Debtor, 12 Van Houten Street, Upper Nyack, New York 10960, Attn. Steven Fetner; (b) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, Attn. Brian Masumoto, Esq.; (c) Counsel to Randall Bernsohn, Tannenbaum Helpert Syracuse & Hirschtritt LLP, 900 Third Avenue, New York, New York 10022, Attn. Richard W. Trotter, Esq.; and (d) to the extent not listed herein, those parties requesting to be a Notice Party for the Monthly Fee Statements. M&H submits that, in light of the nature of the relief requested, no other or further notice need be given. Pursuant to the Interim Compensation Order, said parties have fourteen (14) days to review this Fee Statement and apprise M&H of any objection.

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WHEREFORE, M&H, in connection with services rendered on behalf of the Debtor, respectfully requests (i) interim allowance of compensation for professional services rendered during the Fee Period, in the amount of \$21,550.00, and payment for expenses incurred in connection with such services, in the amount of \$332.02, (ii) payment in accordance with the procedures set forth in the Interim Compensations Order (*i.e.*, payment of 80% of the compensation sought in the amount of \$17,240.00) and payment of 100% of expenses incurred, in the amount of \$332.02.

New York, New York
Dated: May 15, 2018

MAYERSON & HARTHEIMER, PLLC,

By: /s/ David H. Hartheimer
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Possession*

EXHIBIT A

**FEE STATEMENT OF MAYERSON &
HARTHEIMER, PLLC AS COUNSEL TO THE DEBTOR
AND DEBTOR IN POSSESSION (APRIL 1, 2018 – APRIL 30, 2018)**

The M&H attorneys and paraprofessionals who rendered services during the Fee Period are:

TIME KEEPER	POSITION WITH THE APPLICANT	YEAR FIRST ADMITTED	HOURLY BILLING RATE*	TOTAL BILLED HOURS	TOTAL COMPENSATION
David H. Hartheimer	Member	1990	\$600.00	30.60	\$18,360.00
Sandra E. Mayerson	Member	1976	\$600.00	2.40	\$1,440.00
Katy Mayerson	Paralegal	NA	\$100.00	4.30	\$430.00
Priscilla Caiza	Paralegal	NA	\$100.00	13.20	\$1,320.00
TOTAL FOR TIME KEEPERS				44.60	\$21,550.00

* Time Keepers' non-working travel time is billed at 50% of normal Hourly Billing Rate.

EXHIBIT B

Mayerson & Hartheimer PLLC Expense Report

Expense Date	Expense Type	Description	Cost Amount
David Hartheimer			
04/10/2018	E108 - Postage	postage for service of March fee statement	\$5.58
04/10/2018	E101 - Copying	Printing fee statements for service and printing drafts.	\$24.40
04/13/2018	E101 - Copying	Copying motion to extend time and exclusivity	\$194.40
04/13/2018	E108 - Postage	Stamps for Motions to extend Time	\$60.00
04/13/2018	E108 - Postage	Envelops for Motion to Extend time	\$8.00
04/30/2018	E111 - Meals	Dinner for DHH and KM for overtime prep of M&H fee app	\$39.64
TOTAL			\$332.02

EXHIBIT C

Mayerson & Hartheimer, PLLC - Time Records Summary

Date	Activity	Description	Billable Time	Hourly Rate	Billable Amount
David Hartheimer					
04/03/2018	A111 - Other	Drafting bar date Motion.	1.80	\$600.00 hr	\$1,080.00
04/03/2018	A111 - Other	Drafting form of bar order.	1.00	\$600.00 hr	\$600.00
04/04/2018	A103 - Draft/revise	Drafting bar date order notice	1.10	\$600.00 hr	\$660.00
04/05/2018	A111 - Other	prepare email with form of order to retain Vernon to send to the court to sign and enter.	0.30	\$600.00 hr	\$180.00
04/09/2018	A103 - Draft/revise	Drafting March fee statement and exhibits.	0.50	\$600.00 hr	\$300.00
04/09/2018	A103 - Draft/revise	Drafting first interim fee application.	2.50	\$600.00 hr	\$1,500.00
04/09/2018	A107 - Communicate (other outside counsel)	TC with L. Patt re information for preparation for monthly operating report.	0.30	\$600.00 hr	\$180.00
04/10/2018	A105 - Communicate (in firm)	Meet with paralegal to review time records for fee statement and interim fee application.	0.50	\$600.00 hr	\$300.00
04/10/2018	A101 - Plan and prepare for	review action items to prepare for call with S. Fetner	0.10	\$600.00 hr	\$60.00
04/10/2018	A103 - Draft/revise	Drafting March monthly fee statement. Preparing exhibits for fee statements. Attention to service and filing of fee statement.	1.00	\$600.00 hr	\$600.00
04/10/2018	A103 - Draft/revise	Drafting motion to extend time to file plan and extend exclusivity	0.70	\$600.00 hr	\$420.00
04/11/2018	A111 - Other	Working with paralegal on preparation of exhibits for first interim fee application.	0.80	\$600.00 hr	\$480.00
04/11/2018	A103 - Draft/revise	Drafting motion to extend time to file plan	4.00	\$600.00 hr	\$2,400.00
04/11/2018	A103 - Draft/revise	Drafting fee application (interim).	2.00	\$600.00 hr	\$1,200.00
04/13/2018	A103 - Draft/revise	Draft motion to extend time.	1.10	\$600.00 hr	\$660.00
04/13/2018	A103 - Draft/revise	Finalize motion to extend time to file plan, exclusivity	2.40	\$600.00 hr	\$1,440.00
04/13/2018	A103 - Draft/revise	Attention to service and filing of motion to extend time to file plan and exclusivity.	1.00	\$600.00 hr	\$600.00
04/14/2018	A103 - Draft/revise	reviewing and revising monthly operating report. Attention to filing on ECF. Email to US trustee sending MOR	0.50	\$600.00 hr	\$300.00
04/16/2018	A104 - Review/analyze	review and revise Vernon first interim fee app. Call with L. Patt re same.	0.50	\$600.00 hr	\$300.00
04/18/2018	A107 - Communicate (other outside counsel)	Responding to bonding company for compliance with the Island situation. Email to Island's counsel re same. TC with island's counsel on same.	0.30	\$600.00 hr	\$180.00
04/24/2018	A103 - Draft/revise	Preparing task report for interim fee application.	1.00	\$600.00 hr	\$600.00
04/25/2018	A103 - Draft/revise	Draft fee application. Prepare exhibits. Work with para legal on redaction of task report.	1.90	\$600.00 hr	\$1,140.00
04/27/2018	A103 - Draft/revise	Drafting fee app. Preparation of exhibits to fee app.	1.50	\$600.00 hr	\$900.00
04/30/2018	A103 - Draft/revise	Drafting interim fee application for Mayerson and Hartheimer.	2.00	\$600.00 hr	\$1,200.00
04/30/2018	A103 - Draft/revise	Drafting proposed order and certification.			
04/30/2018	A103 - Draft/revise	Drafting application for bar order.	1.80	\$600.00 hr	\$1,080.00
Total Labor For David Hartheimer					\$18,360.00
Katy Mayerson					
04/10/2018	A103 - Draft/revise	Draft Notice of Deadlines for Filing Proof of Claim.	2.00	\$100.00 hr	\$200.00
04/13/2018	A103 - Draft/revise	Finalize Declaration of Steven Fetner, Notice of Motion, and Motion to Extend; Attn to filing and serving same.	2.30	\$100.00 hr	\$230.00
Total Labor For Katy Mayerson					\$430.00
Priscilla Caiza					
04/09/2018	A103 - Draft/revise	Prepare Billing summary for Fee statements	3.20	\$100.00 hr	\$320.00
04/10/2018	A111 - Other	Prepare fee Statement for service	2.00	\$100.00 hr	\$200.00
04/11/2018	A103 - Draft/revise	Prepare various tables for first interim Fee Application	4.00	\$100.00 hr	\$400.00
04/12/2018	A103 - Draft/revise	Plan and prepare Vernon Fee Application	2.00	\$100.00 hr	\$200.00
04/13/2018	A103 - Draft/revise	Preparation for motion to extend time for service.	2.00	\$100.00 hr	\$200.00
Total Labor For Priscilla Caiza					\$1,320.00
Sandra Mayerson					
04/10/2018	A103 - Draft/revise	Review draft monthly operating report and email L. Patt w/ questions re same	0.20	\$600.00 hr	\$120.00
04/13/2018	A103 - Draft/revise	Review, revise and finalize Notice of Motion, Motion, Proposed Order and Declaration in Support with respect to motion to extend time and exclusivity for plan	2.20	\$600.00 hr	\$1,320.00
Total Labor For Sandra Mayerson					\$1,440.00
Total M&H Labor For Bernsohn & Fetner, LLC for Fee Period					\$21,550.00
Grand Total Labor					\$21,550.00